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Benoit Castel
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745 South 23rd Street
Arlington, VA 22202

In re Application of	:	
GRIFFNER	:	DECISION ON
U.S. Application No.: 10/534,467	:	
PCT No.: PCT/AT03/00314	:	PETITION UNDER
Int. Filing Date: 16 October 2003	:	
Priority Date: 11 November 2002	:	37 CFR 1.181
Attorney Docket No.:4301-1138	:	
For: BUILDING MADE OF WALL HALLOW	:	
HEATED ELEMENTS	:	

This decision is in response to applicant's communication filed 08 June 2006 in the United States Patent and Trademark Office (USPTO). The communication is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 28 April 2006, applicant was mailed a decision denying applicant's renewed petition under 37 CFR 1.181 to accept the declaration filed 22 December 2005.

On 08 June 2006, applicant filed the present communication indicating that a newly executed declaration of the inventor had been filed on 19 April 2006.

DISCUSSION

Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

As stated above, the best evidence of what was actually received by the Office on a particular date is a copy of returned date stamped postcard receipt that was filed with papers in question and contains a specific itemization of all items being submitted. In the present instance, applicant has provided a postcard receipt for 19 April 2006 listing the following:

1. Transmittal Letter (2nd Submission)

2. Executed Declaration

The postcard shows a USPTO date stamp, "OIPE IAP34 Patent & Trademark Office APR 19 2006." The evidence is sufficient to establish that the newly executed combined declaration and power of attorney for this application was received in the USPTO on 19 April 2006. In order to consider the 19 April 2006 filing a timely response to the "NOTIFICATION OF MISSING REQUIREMENTS" (Form PCT/DO/EO/905) mailed 24 October 2005 a four-month extension of time fee will be charged to deposit account number 25-0120 (as authorized in the transmittal letter filed 11 May 2005).

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The application will be given an international filing date of 16 October 2003 under 35 U.S.C. 363 and a date of **19 April 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating the 371 date as detailed above.



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